

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 28

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3738S.011

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 26 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to eminent domain.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2006, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article I of the Constitution of the state of Missouri:

Section A. Section 26, article I, Constitution of Missouri, is repealed and
2 one new section adopted in lieu thereof, to be known as section 26, to read as
3 follows:

Section 26. That private property shall not be taken or damaged for public
2 use without just compensation **and such property may be taken only when**
3 **necessary for the possession, occupation, or enjoyment of land by the**
4 **public at large or by public agencies, public utilities, rural electric**
5 **cooperatives, municipally-owned utilities, or common carriers, as**
6 **provided by law. Private property shall not be taken for use by private**
7 **commercial enterprise, for the purpose of economic development, or for**
8 **any other private use, except with the consent of the owner. Takings**
9 **by public utilities, rural electric cooperatives, municipally-owned**
10 **utilities, or common carriers as provided in this section are not takings**
11 **for private use. Property shall not be taken from one owner and**
12 **transferred to another on the grounds that the public will benefit from**
13 **a more profitable private use.** Such compensation shall be ascertained by a
14 jury or board of commissioners of not less than three freeholders, in such manner

15 as may be provided by law; and until the same shall be paid to the owner, or into
16 court for the owner, the property shall not be disturbed or the proprietary rights
17 of the owner therein divested. The fee of land taken for railroad purposes
18 without consent of the owner thereof shall remain in such owner subject to the
19 use for which it is taken.

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Bill

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